

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF PUERTO RICO

MINUTES OF PROCEEDINGS:

DATE: NOVEMBER 29, 2001

BEFORE HONORABLE JAY A. GARCIA GREGORY

COURTROOM DEPUTY: Lily ALICEA

CASE NO. CIV. 98-2329 (JAG)

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UNITED STATES OF AMERICA

Attorneys: JOSE SANTOS MIMOSO

VS

HACIENDA SABANERA, ET ALS

RAFAEL CASTRO LANG

FERNANDO CARLOS

UBALDO LUGO CRUZ

Case called for pretrial conference. Parties indicate to the Court that they were not able to prepare a joint proposed pretrial order and each party brought their part separately. Court orders that the joint pretrial order be filed by December 4, 2001.

Attorney Castro Lang informs the Court that he is missing some important discovery which he has requested several times, informally and through motions and still it has not been provided by the government. It is crucial for his defense and he cannot believe the reasons given that they do not have the grand jury minutes or that they cannot find what was requested. These transcripts as well and the notes of the debriefings are kept for the proceedings and there is no way he can buy the information given that they are not available.

Government replies that he has asked the agents for them and that is what he has been told. He has not checked the files but he will do so.

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Attorney Castro Lang requests that the Court dismiss the case for failure to provide the discovery.

Court order the government to file a diligence search and affidavits from the agents by December 13, 2001. The government is also instructed to contact the local Court to try to get a continuance of trial set for the month of January. Defendants are granted 10 days after the filing of the government to reply

The Court will also decide the motion for summary judgment filed by attorney Fernando Carlo on behalf of his client.

The non jury trial set for December 10, 2001 is hereby vacated and set aside.

Parties to be notified.



Lily Alicea-Courtroom Deputy